REMARKS

Claims 1-13 are pending in the present application with claims 1, 3, 8 and 9 being amended and claims 10-13 being added by this response.

Claims 1 and 9 were amended to state "said management instructions modifying via functions the state of the device before the running of an application executed by the operating system and/or the execution system, ~~the execution of a management instruction being initiated upon a change of state~~ said management instructions being executed before the launching of the application ~~and/or upon an event external to the device~~ and/or at the end of the running of said application, said ~~external event preferably being a user command or the reception of new data~~ management instructions being provided by an external source such as a broadcast network or user command introduction means." Support for this amendment can be found throughout the specification and specifically on page 11, lines 5 – 28. Claim 3 was amended in order to correct a typographical error and claim 8 was amended to provide antecedent basis for the term "applications manager."

New claims 10–13 were added for consideration. Support for these claims is found throughout the specification. Specifically, support for new claim 10 is found on page 11, lines 5–9 which states "[t]he application is being initiated, an instruction set must be applied (before initiation of the application). The broadcaster has given an instruction set for this application which has priority over the default instruction set of the terminal." Support for claim 11 is found on page 9, lines 24-29 of the specification. This passage states "[t]he parameters supplied in respect of or with a given application are: ... priority of the application". Support for claim 12 is found on page 11, lines 17-19 of the specification which states that "[f]ocus is requested, but denied since the Shop application has lower priority than the application having the focus (Navigator)". Furthermore, support for claim 13 can be found in throughout the specification and specifically on page 11, lines 5-10 which states "[t]he application is being initiated, an instruction set must be applied (before initiation of the application)...". Thus, it is respectfully submitted that no new matter has been added by this response.

Rejection of Claim 3 under 35 USC §112, second paragraph

Claim 3 is rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended in accordance with the comments of the Examiner to provide antecedent basis for the term "applications manager" in claim 3. In view of the above remarks and amendments to claim 3, it is respectfully submitted that antecedent basis exists for all terms contained therein. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claims 1-9 under 35 USC §103(a)

Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Karlton et al. (US 5,802,284) in view of Menand et al. (US 5,563,648).

The present claimed invention recites a device for managing an application composed of instructions executable by an execution system. The execution system communicates with an operating system so as to access the resources of the device. The device comprises an applications manager which can execute at least one management instruction set. The management instructions modify via functions the state of the device before the running of an application executed by the operating system and/or the execution system. The management instructions are executed before the launching of the application and/or at the end of the running of the application. The management instructions are provided by an external source such as a broadcast network or user command introduction means. Claims 1 and 9 includes similar limitations to those discussed above.

Karlton et al. disclose a computer-based system and method for providing immediate feedback to the user in an interactive television system. The system presents interactive programs to a user; each program can have a "cover bundle" for "covering" the delay between user selection of the program and the program's availability. When a user requests a program having a cover bundle, the cover bundle is downloaded first.

The cover bundle provides a simple presentation (e.g., a short movie, music, and the like) to keep the user engaged while the requested program downloads.

According to Karlton, when a set-top computer is powered on, application manager 302 is downloaded (see column 5, lines 12-13). The user selects television channels by interacting with the application manager. "When a user selects a viewer application 304, application manager 302 downloads that application to settop computer 112 and launches it for viewing" (see Karlton et al., column 5, lines 16-20). Kartlon only discloses a single way for downloading and launching a downloaded application. Therefore, Karlton discloses that the execution of the application is executed in the same manner in several computers. Kartlton et al. neither disclose nor suggest "modifying via functions the state of the device before the running of an application executed by the operating system and/or the execution system" as in the present claimed invention. Thus, the context of launching of an application in Karlton et al. does not depend on "said management instructions being provided by an external source" as in the present claimed invention.

The present claimed invention allows personalizing the state of the system by "modifying via functions the state of a device before the running of an application and/or at the end of the running of the application". As disclosed page 11, line 5 of the present specification "[t]he application is being initiated, an instruction set must be applied (before initiation of the application). The broadcaster has given an instruction set for this application which has priority over the default instruction set of the terminal".

In the present claimed invention the set top box has default parameter (page 9, lines 13-20) that is replaceable "management instructions being provided by an external source such as a broadcast network or user command introduction means." This limitation is neither disclosed nor suggested by Karlton et al.

Menand et al. discloses an audio video interactive (AVI) receiver receiving a packet stream including a directory and an AVI program having an associated identifier in the directory. Menand discloses a method for controlling the execution of the AVI program and comprises the following steps. First, the AVI program is loaded into a memory in response to the presence of the AVI program in the packet stream. Then

execution of the loaded AVI program begins. Thereafter, the executing AVI program is minimized when a directory identifying a different AVI program is detected in the packet stream.

Menand et al. teaches an audio video interactive receiver able to execute application downloaded from a network. The application is executed by an interpreter. Specifically, Menand et al. disclose an "interactive application program information includes special signal for controlling the execution of the application program" (see Menand et al., column 2 line 7). Thus, the problems solved by Menand et al. are different than the goal of the present claimed invention. The problem solved by Menand et al. is controlling of the running operation of the decoder. This is unlike the present claimed invention wherein"said management instructions modifying via functions the state of the device before the running of an application executed by the operating system and/or the execution system, said management instructions being executed before the launching of the application and/or at the end of the running of said application". Similarly to Karlton et al., Menand et al. disclose that the application is downloaded from the broadcast network (by modules) and executed thereby. Thus, similarly to Karlton et al., Menand et al neither disclose nor suggest "said management instructions being executed before the launching of the application and/or at the end of the running of said application" as in the present claimed invention. Additionally, similarly to Karlton et al., Menand et al. neither disclose nor suggest "said management instructions being provided by an external source" as in the present claimed invention.

As claims 1 and 9 include similar limitations to those discussed above, Applicants respectfully submit that the above submitted arguments are fully applicable to both claims 1 and 9. Applicants respectfully submit that claim 9 is patentable over Karlton et al. in view of Menand et al.

Claim 2 recites in pertinent part:

> "...wherein the functions of the management instructions cannot be executed by the operating system or the execution system."

With respect to the above claimed limitation, contrary to the assertions of the Examiner, Karlton et al. neither disclose nor suggest that "the management instructions cannot be executed by the operating system or the execution system" as in the present claimed invention. In the present claimed invention, the management instruction and the instruction of an application are not performed at the same level, the management instructions are executed before, after or before and after the running of the application. Such is neither disclosed nor suggested by Karlton et al.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Karlton et al. or Menand et al. showing the above discussed features. Therefore, it is respectfully submitted that the present invention as claimed in claims 1 and 9 is not unpatentable over Karlton et al. in view of Menand et al. As claims 2-8 are dependent on independent claim 1, it is also respectfully submitted that claims 2-8 are patentable for the same reason as discussed above with respect to claim 1. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Regarding newly submitted claims 10-13, as these claims are dependent on either independent claim 1 or 9, it is respectfully submitted that these claims are also patentable over Karlton et al. either alone or in combination with Merand et al. for the same reasons as discussed above with respect to claims 1 and 9.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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Please charge the $420 fee for the 2-month Petition for Extension of Time, and any other costs that may be associated with the filing of this response, to Deposit Account No. 07-0832.

Respectfully submitted,
PHILIPPE LETELLIER ET AL.

BY: _____
Jackie J. Schwartz, Attorney
Registration No.: 34,721
(609) 734-6866

Patent Operations
Thomson Licensing, Inc.
P.O. Box 5312,
Princeton, NJ 08543-5312

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